80-2201

NO_____

Office-Supreme Court, U.S.
FILED
MAY 21 1981
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

STANLEY V. TUCKER,

Petitioner

vs.

HARTFORD ELECTRIC LIGHT CO,

Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE CONNECTICUT SUPREME COURT

STANLEY V. TUCKER
Petitioner
Box 35
Hartford, Connecticut06101
203 528-0426

QUESTIONS PRESENTED FOR REVIEW

1. Must a state provide a hearing on counter-claims & set off before seizure of debtor's property?
2. Does Debtor have equal right to be own rent receiver?
3. Were awards of fees by state court for time in federal & bankruptcy court without jurisdiction?
4. Was award of fees and denial of redemption rights without due process and contrary to federal laws?
5. Is award of "attorneys fees" for "rent receiver" work violation of Sherman Anti-Trust Act

SUBJECT INDEX

	Page
Table of Authorities	i
Prior Action By This Court	1
Citation to Opinions Below	1
Jurisdiction	2
Provisions of Constitution & Laws Violated	2
Consolidation of Cases in Petition	1
State Statute Challenged as Unconstitutional	1
Questions Presented	Cover
Statement of the Case	3
SUMMARY OF ARGUMENT	4
SUBSTANTIAL REASONS FOR GRANTING THE WRIT	
I. EQUAL PROTECTION REQUIRES PETITIONER BE GIVEN EQUAL RIGHT TO BE RECEIVER	5
II. DUE PROCESS MANDATES GS 16-262 f BE DECLARED UNCONSTITUTIONAL	7
III. AWARD OF FEES WITHOUT DUE PROCESS	10
A. SECRET "CLOSED COURT" HEARING DENIES DUE PROCESS BY INADEQUATE NOTICE	10
B. STATE COURT LACKED "JURISDICTION" TO AWARD FEES FOR OTHER COURTS	12
C. FEES AWARDED BARRED BY ALYESKA	14
D. FEES AWARDED VOID WITHOUT ARTICULATION OF BASIS	15

Subject Index - Continued

	Page
III E FEES FOR BANKRUPTCY COURT BARRED BY RULE 12-38	18
III F FEES FOR FEDERAL COURT BARRED BY RES JUDICATA	18
III G FEE AWARD BARRED BY REDEMPTION ORDER OF NOV 4, 1977	19
IV DENIAL OF REDEMPTION A DENIAL OF EQUAL PROTECTION	20
V. RES JUDICATA DOES NOT BAR CIVIL RIGHTS ISSUES AS THEY ARE DISTINCT & DIFFERENT FROM FORMER ISSUES	20
VI AWARD OF "ATTORNEYS FEES" FOR "RECEIVER'S WORK" VIOLATES THE SHERMAN ANTI-TRUST ACT	22
CONCLUSION	22

TABLE OF AUTHORITIES

22 USC 1254 (1)	2
5th Amendment US Constitution	22
14th Amendment US Constitution	2
Bankruptcy Rule 12-28	2,18
15 USC 1	2,22
Aho v Clark 48 LW 2402	16
Alyeska Pipeline v Wilderness 421 US 240	14,15,22
Armstrong v Manzo 380 US 545, 552	8,11
Baldwin v Hale 1 Wall 223, 233	8

TABLE OF AUTHORITIES -continued

	Page
City of Utica v Gold Medal Packing 283 NY S 2d 603	12
Coe v Armour Fertilizer 237 US 413	11
Commissioner v Sunnen 333 US 598	21
Copper Liquor v Adolph Corrs Co 49 LW 2173	16
Crowe v Leeke 550 F 2d 184	21
Covey v Somers 351 US 141	11
Cromwell v County of Sac 94 US 311, 353	19
Federal Trade Com v National Lead Co 352 US 419	11
Fuentes v Shevlin 407 US 67	6,8
Hovey v Elliott 167 US 409	8
Goldfarb v Virginia 421 US 773	22
Grannis v Ordean 234 US 385	8
Graves v Oligiati 550 F 2d 1337	21
Jewell v Compton 557 P 2d 650	13
Johnson v Georgia Highway Express 488 F 2d 714	16

TABLE OF AUTHORITIES - continued

	Page
Lawlor v Nat Screen 349 US 322	21
Lynch v Household Finance 405 US 538	6
Ohio Realty v S. Bank of W Palm Beach 300 S02d 679	14
Mitchell v Grant 416 US 600	6,7,10,22
Mullane v Central Hanover 339 US 306	11
Preiser v Rodriguez 411 US 497	21
Roller v Holly 176 US 398	11
Snaidach v Family Finance 395 US 337	6
Tucker v Maher 405 US 1052	6
Walker v Hutchinson 352 US 112	11
Washington v Fairchild 224 US 510	10
Wright v Union Central Ins Co 311 US 273	20

PETITION FOR A WRIT OF CERTIORARI TO THE CONNECTICUT SUPREME COURT

Petitioner prays that a writ of certiorari issue to review the judgment of the Conn. Sup. Court entered February 10th, 1981. Timely Petition for Re-Hearing filed and denied Feb 25, 1981.

PRIOR ACTION BY COURT

No prior action has been taken by This Court on this case.

CITATION TO OPINIONS BELOW

The Opinion of the Conn. Supreme Ct. is printed in the Appendix hereto, infra F1- F2. and published in the Conn. Law Journal Page 3, February 10th, 1981.

CONSOLIDATION OF CASES IN THIS PETITION

Pursuant to U. S. Supreme Ct rule 19 (4) two appeals heard by the Conn Sup Ct as one are combined herein.

STATE STATUTE CHALLENGED AS VOID AND UNCONSTITUTIONAL

Conn Gen Statute 16-262f adopted 12-1-75

GS 16-262 f reads in pertinent part...

"... the owner shall be liable for reasonable fees and costs for rent receiver.. and payment of reasonable attorneys fees..."

JURISDICTION

The Petition for Rehearing was denied Feb 25th, 1981. The jurisdiction of this Court invoked under 28 USC 1254 (1)

PROVISIONS OF THE U. S. CONSTITION VIOLATED BY CONN G.S. 16-262 f

5th Amend "No person shall be deprived of property without due process"

14th Amend "Nor shall any state deprive any person of property without due process of law; nor deny to any person within its jurisdiction equal protection of the laws"

BANKRUPTCY LAWS VIOLATED BY STATE COURT

Rule 12-28 "Reasonable compensation shall be allowed to such persons as assist debtor"

STATEMENT OF THE CASE

In this action Petitioner along with 10,000 others built properties in the 1960's to electric heat standard provided by respondent, HELCO, only to learn years later the standards fraudulent and be a slave captive market and therefore Petitioner filed suit, Htfd Sup. Court No 211212.

Because of enormous losses due to the electric heat rate frauds Petitioner became $4,500 delinquent on accounts and HELCO on 2-1-78 began seizure of $13,000/ month rents for 79 apartments in two cities 30 miles apart and about 60 miles from rent collector. So negligently the collections that they lasted 2 years with losses over $100,000 while rent receiver totally abandoned collections to build house near Rhode Island. See Petition to Withdraw. Appendix B 1.

In Nov 1977 Judge Kinney made a redemption order that the monies and pro

perty be turned over to Petitioner on accumulation of $5,000 in reserves for fees. Respondents ignored this redemption right and in a secret closed court appearance in absence of Petitioner obtained orders appro $24,000 in fees to collect $4,500 debt most of the time in federal court or bankruptcy court, where fees denied, or on clerical. None of the fees were for attorneys work but for rent receiver work.

This Petitioner denied a hearing on his counter-claims and was denied equal right to be rent receiver of his own property. HELCO refused to terminate its rent receivership until it instigated seven foreclosure actions and succeeded in the appointment of foreclosure rent receivers.

SUMMARY OF ARGUMENT

This is a classic case of ruthless violation of federally protected rights to equal protection and due

process by economic segregation under color of GS 16-262f. Petitioner was denied a "meaning hearing" when the rent receiver appointed without any opportunity for hearing of counter-claims as to rate frauds by HELCO.

Petiioner was denied equal protection by denial of right to be his own rent receiver while HELCO's receiver caused over $100,000 in loss.

Petitioner's redemption rights, federally protected were invaded, literally burned and destroyed by the state court. Award of attorneys fees for time in bankruptcy court and in federal court WITHOUT JURISDICTION and violate federal law.

ARGUMENT

I. EQUAL PROTECTION REQUIRES EQUAL RIGHT TO BE OWN RENT RECEIVER

This Court in a line of landmark decisions contoured the equal protection rights of property owners when

their property is seized under color of state law.

Snaidach v Family Finance	395 US 337
Lynch v Household Finance	405 US 538
Tucker v Maher	405 US 1052
Fuentes v Shevlin	407 US 67
Mitchell v Grant	416 US 600
Di Chem v N Georgia	419 US 601

In Mitchell, supra, a Lousisiana sequestration case this Honorable Court upheld the constitutionality of the challenged statute only because it provided equal protection to both debtor and creditor. While the Conn Sup Court dec sion sought to avoid the thrust of these cases by an attempt to distinguish pre-judgment this judgment is frivolous as judgment no entered until 11-14-79.

Mitchell v Grant" Court may order return of property & assess damages in favor of debtor inc. attorneys fees"
416 US at 606

Mitchell P 607 "Debtor may also regain possession by posting his own bond"

These "fundamental rights" approved in Mitchell, supra, if incorporated in GS 16-262 f would have meant that the $4,500 debt would have been collected by Debtor in 2 weeks from monthly rent roll of $13,000 and he would have been spared $100,000 in rent losses plus $24,000 in fees and the foreclosure of seven valuable properties.

The powerful command of this Court in Mitchell, supra, is that this action be reversed and remanded for full reconsideration of equal protection rights denied under color of state law 16-262f.

II. DUE PROCESS COMMANDS GS 16-262f BE DECLARED VOID FOR LACK OF A "MEANINGFUL HEARING"

From colonial times the echo of This Court's command has been that a "meaningful hearing" at which both parties can litigate all of their relevant rights is fundamental root

of due process.

Fuentes v Shevlin
407 US at 80

> For more than a century the central meaning of procedural due process has been clear: "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified." *Baldwin* v. *Hale*, 1 Wall. 223, 233. See *Windsor* v. *McVeigh*, 93 U. S. 274; *Hovey* v. *Elliott*, 167 U. S. 409; *Grannis* v. *Ordean*, 234 U. S. 385. It is equally fundamental that the right to notice and an opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." *Armstrong* v. *Manzo*, 380 U. S. 545, 552.

The civil rights question is whether GS 16-262 f is facially defective in failing to permit Petitioner to assert counter-claims for rate fraud to offset HELCO's claims so that nothing net is due. This civil rights issue is whether procedural due process in the context of this care requires a hearing on counter-claims and set off before the State can authorize its agents to seize property in the possession of debtor on application of HELCO.

The narrow issue is - "Is the hearing meaningful if Petitioner is denied the right to plead & prove counter-claims."

GS 16-262 f "The sole purpose of the hearing is to determine if a sum is due and owing between owner & utility"

This language the State Court has applied to mean no counter-claims or set offs can be heard at the same time. Yet such an interpretation it is argued invades a fundamental federal right - the right to hearing on defenses before rents are seized. The refusal of the State Court to permit pleading of counter claims and its striking of counter-claims pleaded is a denial of the right to a "meaningful hearing." This is most clear from this court's ruling in Mitchell, supra, upholding constitutionality of Lousisiana sequestration statute because of built-in debtor-creditor equal protection & due proecss rights.

Michell v Grant

416 US at 607

> "This statutory procedure effects a constitutional accomodation of the conflicting interests of the parties."

How can any state court determine "if a sum is due and owing" if counter-claims and set-off canot be heard at the same time?

Washington v Fairchild
224 US 510

> "the hearing which must preceed the taking of property is not a mere form but owner must have the right to secure and present evidence material to the issue, it must be given opportunity to present proof and argument to controvert claim"

Petitioner was denied opportunity to plead and prove counter-claims essential to issue of whether any money due HELCO.

III AWARD OF FEES WITHOUT DUE PROCESS

A. SECRET "CLOSED COURT" HEARING DENIES DUE PROCESS BY INADEQUATE NOTICE

It is undisputed but that Petitioner did not appear when the fee orders made because he was given oral notice that

"no court in session because of judge's conference"

Judgments rendered by state & federal courts have been vacated many times over the years by This Honorable Court for failure to give adequate notice of the hearing at which rights were being litigated.

Coe v Armour Fertilizer Works
237 US 413

> "Extra-offical notice is not a substantial substitute for the due process of law which the U. S. Const Amend 14 requires"

To the same effect are Roller v Holly, 176 US 398, Federal Trade Com v National Lead Co, 352 US 419, Walker v Hutchinson 352 US 112, Mullane v Cental Hanover, 339 US 306, Covey v Somers, 351 US 141, Schroeder v NYC, 371 US 208, Armstrong v Manzo, 380 US 545.

The notice from clerk that "no court in session due to judge's conference" is hardly the type of notice calculated to find a secret closed door hearing conducted for HELCO's benefit.

III B. STATE COURT LACKED "JURISDICTION" TO AWARD FEES FOR OTHER COURTS

The exhibits of hours logged by rent receiver and attorney for HELCO need no testimony & none given as these are self-explanatory showing beyond any doubt but that most time was in other courts that is bankruptcy court and federal court and on other cases and spent driving from Rhode Island to scene of rents and time on clerical or inter-office phone calls and writings. These overhead times have not one word in record nor one word in testimony to show a "reasonable relationship" to collecting rents.

Two of the state supreme courts have squarely rejected blanket inclusion of time from other courts as "without jurisdiction"

City of Utica v Gold Medal Packing

283 NYS 2d 603 1967

The NY Supreme Court rejected mortgagees claims for fees for time in bankruptcy court and on counter-claims on grounds

that the language of the fee clause strictly construed was not broad enough to include attorney time in other courts. The specific mortgagee clause P 604 of City of Utica, supra, provided for reasonable fees to foreclose or collect the debt most analagous to the reasonable fees clause of the rent receiver statute GS 16-262 f.

With similar effect in 1977 the Oregon Supreme Court interpreting a clause in a note for "reasonable fees" to exclude fees on appeal since appeal was not mentioned in the fee clause. Jewell v Compton

557 P 2d 650

Simple examination of GS 16-262f on page 2 herein shows it to be barren of mention of appeal, of mention of federal court, of mention of bankruptcy court and applying the learned reasoning of the Oregon Supreme Ct most of fees award herein barred for lack of jurisdiction.

The Florida Supreme Court reached the same result in 1974:

Ohio Realty v S Bank of West Palm Beach
300 S o 2d 679 1974

"Mortgagee not entitled to fees on appeal in foreclosure absent clear indication parties intended mortgage and note to include fees on appeal"

CONNECTICUT'S STATE COURTS ARE ALONE AMONG THE 50 STATES AWARDING FEES WITH OUT JURISDICTION.

III C AWARD OF FEES BY CONN STATE COURT BARRED BY THIS COURT'S DECISION IN ALYESKA PIPELINE v WILDERNESS SOCIETY

As recently as 1974 This Honorable Court reached the same result as the New York, the Oregon and the Florida Supreme Courts in holding that the "American Rule" prohibiting fees except where specially allowed by law did not permit a court to "interpret" a law to grant fees where the language of the law did not so specifically allow.

Alyeska Pipeline v Wilderness Society
421 US 240 1974

"Only Congress, not the courts can authorize exceptions"

III D. AWARD OF FEES IN CONN. STATE COURTS VOID AS WITHOUT ARTICULATING FINDINGS REQUIRED BY FEDERAL LAW

In the interpretation of "reasonable fees" federal courts have written standards violated by the Conn. State Cts. These standards set forth rules to guide trial courts to be followed holding failure of trial court to articulate the application of these rules to make the decision void. In the lower Conn State Court there was no articulation of the standards followed and indeed the opinion showsn no standard followed other than a "gift" or giving of high "attorneys fees" to rent receiver for hardships in building home part time near Rhode Island while making token rent collections.

The clearest and most followed of the federal decisions is:

Johnson v Georgia Highway Express
488 F 2d 714 (CA 5) 1974

This decision set forth a set of rules or standards to be followed by courts in considering award of "reasonable fees". A recent 5th CA Panel vacated a fee award for failure to articulate how these standards were applied.

Copper Liquor v Adolp Corrs Co
49 LW 2173 Sept 9th, 1980

Other circuits have been more strict.

AHO v CLARK "42 USC 1988 provides a reasonable attorneys fees....

Nor can we conclude this suit was necessary..

Under thse circumstances 1988 does not mandate an award of fees.

BROWN v STACKLER
48 LW 2502 7th CA
1-21-80

Much of whatever research was done was done by law students on a voluntary basis. Little legal skill was involved, since the Virginia case was controlling and its pendency was known. The district court, finding the claim outrageously excessive, denied fees entirely. Such denial is an entirely appropriate means of encouraging counsel to maintain adequate records and submit reasonable, carefully calculated, and conscientiously measured claims when seeking statutory counsel fees. The statute provides that the court in its discretion "may" allow counsel fees. It has been said that "may" sometimes means "won't," and this extraordinarily aggravated situation is an appropriate occasion for giving the word that unusual meaning.

If the court were required to award a reasonable fee when an outrageously unreasonable one has been requested, claimants would be encouraged to make unreasonable demands, knowing that the only unfavorable consequence of such misconduct would be reduction of their fee to what they should have asked for in the first place. To discourage such greed a severer reaction is needed, and the district court responded appropriately in this case.—Dumbauld, J.

—CA 7; Brown v. Stackler, 1/21/80.

III E CONN STATE COURT AWARD OF FEES FOR TIME IN BANKRUPTCY COURT BARRED BY RULE 12-28

The bankruptcy laws limit award of fees to Rule 12-28 - "reasonable compensation to such persons as assist debtor". The logging of times by respondents does not show any time assisting debtor but only the application for relief from stay. It is not up to the Conn. State Ct to amend laws passed by Congress This award is not only without jurisdiction but expressly barred by Rule 12-28. Alyeska Pipeline, supra, doctrine prohibits this award.

III F. STATE COURT AWARD OF FEES FOR FEDERAL COURT BARRED-RES JUDICATA

While respondents claimed fees for time in federal court the transcript of that court shows John Bullock applied to fees and in open court Chief Judge T. Emmett Claire denied the fees.

Cromwell v County of Sac
94 US 311, 353

"This rule provides when a court of competent jurisdiction entered final judgment on merits... parties bound as to every matter offered.. but as to any other admissible matter which might be offered"

III G. TRIAL JUDGE O'NEIL BARRED BY RES JUDICATA FROM FEE AWARD BY REDEMPTION ORDER OF NOV 1977 by JUDGE KINNEY

Just before the rent receivership started in Nov 1977 using figures supplied by John Bullock, counsel for HELCO, Judge Kinney made a redemption order, Appendix A, for a reserve of $5,000 for fees to the rent receiver and counsel for HELCO WITH FURTHER MONEY AND PROPERTY TO BE RETURNED TO PETITIONER & RECEIVER TERMINATED.

While this point in time was reached May 1977 the respondents ignored redemption and the fixed $5,000 amount and continued to collect for another year. Res Judicata clearly bars the award made, Cromwell, supra.

IV DENIAL OF FIXED REDEMPTION RIGHTS A DENIAL OF EQUAL PROTECTION

The redemption order by Judge Kinney called for restoration of property to Debtor on accumulation of $5,000 in reserve for fees which was reached late May 1977. This was a redemption order fully protected by the equal protection clause of the federal constitution.

Wright v Union Central Ins Co
311 US 273 1940

> "Power of court to order sale may not be exercised to deprive debtor of his redemption rights"

V. RES JUDICATA DOES NOT BAR THE CIVIL RIGHTS CHALLENGES AS THEY ARE DISTINCT & DIFFERENT FROM THOSE FORMERLY RAISED.

The Conn. Sup Ct applied res judicata rule erroniously to bar the civil rights issues but that rule only bars litigating the same civil rights issues again. In the Appellate Session this Petitioner sought to

challenge GS 16-262 f on grounds of confiscation of private property for public purposes without compensation and that court ruled against him.

However, that same issue is not raised herein. In this Petition all of the issues were never raised before and fall under the wlll known exception to res judicata.

Graves v Oligiati
550 F 2d 1337 1977 2nd CA

"We are puzzled at Judge Port's decision to dismiss the 1983 claim on grounds it was barred by res judicata 42 USC 1983 gives a federal remedy"

Monroe v Pape 365 US 166

Crowe v Leek
550 F 2d 184 1977 4th CA

"The dismissal of earlier prisoners class action did not bar later prisoners class action on grounds of res judicata where the second case raised matters different from first case & covered a time period different after first case"

Preiser v Rodrigues 411 US 497
Commiss. v Sunnen 333 US 598
Lawlor v Nat Screen 349 US 322

Prior Appellate Session 553 went to

judgment 7-21-78 but the orders on appeal were made 11-14-78 and 11-14-79. The time periods and issues raised are totally different. Res Judicata does not apply to civil rights issues.

VI AWARD OF "ATTORNEYS FEES" FOR RENT RECEIVERS WORK VIOLATES THE SHERMAN ANTI-TRUST ACT

The competitive thrust of the Sherman Anti-Trust Act reaches attorneys and bars award of high trial fees for doing routine work, clerical work, driving time and collecting rents.

Goldfarb v Virginia
421 US 773

> "A minium fee schedule for lawyers doing title exams violates Sec 1 of 15 USC"

CONCLUSION

Fee awards should be summarilly vacated on strength of Alyeska, supra. Civil Rights issues should be remanded for review on Mitchell v Grant or alternatively this Court should grant certiorari.

STANLEY V. TUCKER
PETITIONER

INDEX TO APPENDIX

	Page
Redemption Order 11-4-77	A1
Petition to Withdraw as Receiver Sept 29, 1978	B1
Comparative Order Showing $200/mo Paid Professional Rent Receiver	C1
Application For Receiver's Fees Heard June 22, 1979, Order Made Nov 14, 1979 Final Judgment	D1-D3
Application for Counsel Fees Order Made Nov 14, 1978	E1-E3
Supreme Court Decision Consolidated For Appeals for Counsel Fees & Appeal from Receiver's Fees 2-10-81	F1-F2
Order Denying Rehearing 2-25-81	G1

REDEMPTION ORDER Nov 4th, 1977
HELCO v TUCKER No 140007

in pertinent part....

2. Receiver shall set aside in reserve ($2,000) .. for a reasonable reserve for receiver fees & costs.

3. Receiver shall set aside in reserve ($3,000) .. for a reasonable attorneys fees & costs.

6. After payments by receiver.... any excess over those sums to be paid to respondent by receiver.

s/
FRANK J KINNEY
judge-Common Pleas

B 1

PETITION TO WITHDRAW AS RECEIVER
HELCO V TUCKER No 140007 Sept 1978

The application of Timothy W McNally respectfully represents:

1. Applicant is attorney appointed to act as receiver.

2. On Oct 19, 1978 applicant intends to move law practice to Putnam, Conn.

3. Increased distance from law office to properties makes it impossible to adequately perform duties as receiver.

Wherefore applicant prays for an order removing him as receiver.

s/_____
TIMOTHY W McNALLY

NOTE : This application never ruled on by Court but similar application in March 1979 granted Nov 14, 1979

C 1

COMPARATIVE ORDER SHOWING COMMERCIAL RENT RECEIVER PAID $200/MONTH

LITCHFIELD SAVINGS BANK v TUCKER
Litchfield Superior Court No CV 78-0028943

The Plaintiff and defendant stipulate:

1. Edgar Lee Arnold be appointed receiver of rents over property at 19 Nathaniel Street, Torrington.....

7. Receiever shall be compensated $200/month.

s/ Plaintiff s/ Defendant

O R D E R

The Stipulation is approved and made an order of this court.

s/ By The Court
COVELLO, Judge

D 1

HELCO v TUCKER No 140007
APPLICATION FOR RECEIVERS FEES HEARD IN ABSENCE OF PETITIONER JUNE 22, 1979 & ORDER MADE NOV 14, 1979

The Application of Timothy W McNally respectfully reprsents.....

6. Compensation for services.... at rate of of $40/hour ... for total of $12,340.

s/ TIMOTHY McNALLY

ACCOUNTING OF TIME

Hours	Date	Work
.5	1/9/79	Correspondence
3.5	1/10/79	Monthly Statement
.6	1/11/79	Telephone Call
3.0	1/12/79	Monthly Statement
1.8	1/13/79	Monthly Statement/ Telephone Call
3.5 42 miles	1/16/79	Drive Court Hearing
1.3	1/17/79	Telephone Calls
.7	1/18/79	Telephone Calls
.5	1/23/79	Telephone Calls
.5	1/25/79	Telephone Calls
6.0 121 miles	2/5/79	Drive collect rents

Hours	Date	Work
.6	2/8/79	Telephone Calls
1.6	2/14/79	Telephone Calls
.3	2/15/79	Letter
.6	2/20/79	Telephone Calls
.6	2/27/79	Telephone Calls
6.5 121 Miles	2/27/79	Drive collect rents
.5	4/5/79	Motion to Withdraw
1.4	3/6/79	Telephone Calls
.3	3/15/79	Read mail
.5	3/20/79	read mial
1.1	3/22/79	Telephone Calls
.5	4/2/79	Mail
.6	4/3/79	Telephone Calls
5.3 121 miles	4/4/79	Drive collect rents
.6	4/5/79	Mail
.6	4/5/79	Telephone Calls
.8	4/6/79	Accounting
.5	5/3/79	Telephone Calls
.6	5/3/79	Telephone Calls
.9	5/25/79	Mail

Hours	Date	Work
.6	6/4/79	Telephone Calls
1.3	6/5/79	Accounting
1.1	6/6/79	Accounting

JUDGMENT

Whereupon it is adjudged that the former receiver is awarded a fee of $12,000 less sums already paid plus $350 for bookeeping, $164 for bond fee, $1235 for telephone and $300 for mileage.

s/
BY THE COURT

November 14th, 1979

HELCO v TUCKER No 140007

APPLICATION & ORDER FOR COUNSEL FEES
APPEALED CONSOLIDATED IN CONN SUP CT

The application represents.....

7. Compensation at rate of $40/ hour for 121.6 hours total $4,864.

s/
JOHN C. BULLOCK

September 28, 1978 filed

STATEMENT OF SERVICES

HOURS	DATE	WORK
2.1	4/22/78	Bankruptcy Court
5.6	4/24/78	Bankruptcy Court
1.1	4/25/78	Telephone Calls
4.9	5/1/78	Federal Court
.9	5/2/79	Federal Ct Prep
4.6	5/3/78	Federal Ct Prep
1.3	5/4/78	Federal Ct Prep
1.0	5/5/78	Federal Ct Prep
1.5	5/8/78	Federal Ct Prep
2.8	5/9/78	Federal Ct
3.2	5/10/78	Federal Ct
2.9	5/11/78	Bankruptcy Ct

HOURS	DATE	WORK
3.5	5/12/78	Bankruptcy Court
2.7	5/17/78	Receivership prep.
4.0	5/18/78	Receiver Hearing
1.1	5/23/78	Federal Court prep
.4	5/30/78	Telephone Calls
3.3	5/31/78	Bankruptcy Court
2.5	6/8/78	Bankruptcy Court
.3	6/14/78	Telephone Calls
3.5	6/14/78	Receivrr Hearing
.4	6/19/78	Telephone Calls
.3	6/20/78	Telephone Calls
.7	7/5/78	Client Meeting
.8	7/24/78	Telephone Calls
2.0	7/27-28	Telephone Calls
2.4	8/2-3	Research
3.0	8/4/78	Prepare legal papers
11.0	8/8-13	Reseach
34.2	8/14-18	Hearing Receiver
.2	8/22/78	Internal report
1.9	8/25-28	Preparation Hearing
4.2	8/29/78	Bankruptcy Court
2.6	8/30/78	Mail/Conference
2.9	9/14/78	Bankruptcy Court

HOURS	DATE	WORK
1.8	9/15/78	Receiver Hearing

121.6 Total Hours

O R D E R

ORDERED, that applicant be allowed the following sums:

Services	$4,864.00
Expenses	217.91
Costs	9.80
Total	$5,091.71

BY THE COURT

s/ Assistant Clerk

November 14, 1978

CONN SUPREME CT 10083 and 10198
Both Arising from Htfd Sup No 140007
HELCO v TUCKER
February 10th, 1981

.....The defendant's claims three claims of error challenge constitutionality of receivership. Defendant cannot now relitigate the propriety of receiver ship because that question decided against him in earlier proceedings in Appellate Session. 35 Conn Sup 609. 401 A 2d 454 (1978). Res Judicata bars a second adjudication of the facial constitutionality of GS 16-262f.....

....there is no authority for the defendant's allegation that trial court constitutionally required to appoint him as rent receiver upon his offer to file an appropriate bond. Cases on which he relies ... are all distinguishable, since they all involve pre-judgment remedies.....

..... we find no error in the decision of trier with regard to finding of attorneys fees of $5091.71 and costs of $2,631.58.....

.... we reiterate defendant has pro vided this court with no basis upon which to find error in award to McNally of $12,000 (receiver fees) ...Defendant urges Judge O'Neil was barred from awarding fees higher than those awarded by Judge Kinney in his Order of Nov 4, 1977. Judge Kinney's order was expressly "subject to further order of this court.. by way of applications for receivers fees and costs and attorneys fees and costs. .....There is no error in the appeal in case No 10198 and case 10083.

HELCO V TUCKER

Connecticut Supreme Court

No 10083 and 10198

ORDER

ReHearing Denied.

February 25th, 1981